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July 13, 2020

VIA ECF

Hon. Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 701  
New York, NY 10007  
(212) 805-0226  
[LimanNYSDCChambers@nysd.uscourts.gov](mailto:LimanNYSDCChambers@nysd.uscourts.gov)

Re: Convergen Energy LLC, et al. v. Brooks et al., No. 1:20-cv-3746 (LJL)  
Hearing on Motion for Alternative Service

Dear Judge Liman:

King & Wood Mallesons LLP (“KWM”) is counsel to Daniel Escandon Garcia, Ramon Uriarte Inchausti, Chipper Investment SCR, SA, and Urincha SL (“Spanish Defendants”). I am lead counsel to the Spanish Defendants. I write to respectfully request that the Court adjourn the hearing, apparently set for July 17, 2020 at 3:30 pm, on Plaintiffs’ Motion for Alternative Service (“Motion”) for the reason stated herein. (D.E. 57). We conferred with Plaintiffs’ counsel, and they have agreed to adjourn the hearing to July 22, 2020, at a time convenient for the Court.

On June 18, 2020, Plaintiffs filed the Motion seeking leave of the Court to serve the Spanish Defendants by alternative means other than the Hague Service Convention. (D.E. 57). On July 2, 2020, KWM specially appeared in this action and filed an opposition to the Motion. (D.E. 66). Plaintiffs filed their reply in further support of the Motion on July 9, 2020. (D.E. 71).

After KWM filed its opposition, on or about July 6, 2020, Ryan Billings, counsel for Defendants Steven J. Brooks, NianticVista Energy, LLC, Gregory Merle, and Riverview Energy Corporation, sent a copy of a Notice of Electronic Filing dated June 19, 2020 (“Notice”) to me providing that the Motion had been set for a hearing on July 17, 2020 at 3:30 p.m. A true and correct copy of the Notice is attached hereto as **Exhibit A**. Upon review of the docket in the above-captioned action, KWM found no corresponding entry to the Notice received by Mr. Billings, and to date has been otherwise unable to confirm that a hearing on the Motion is set for July 17, 2020, at 3:30 pm.

Nevertheless, I have a long scheduled all-day court-ordered mediation on another matter pending in New York State Supreme Court and thus am unavailable to appear before Your Honor in this matter on July 17, 2020. No other KWM partner is familiar with the Motion or the facts underlying the action, and I am the only KWM attorney authorized by the Spanish Defendants to act on their behalf.

Given the foregoing unreconcilable conflict, I respectfully request that the Court adjourn the hearing on the Motion to the extent it has been set for July 17, 2020, to July 22, 2020, or another

date convenient to the Court and parties. KWM has made no previous requests for adjournment or extension.

Thank you for your time and consideration.

Respectfully submitted,

By: /s/ Vincent Filardo Jr.  
Vincent Filardo, Jr.

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